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C.F. 215 ~~w~~

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1068 /2001

PETITIONERS

1. Zila Alpa Punji Vyaosai Sangh, a Registered Society under the Societies Registrikaran Adhiniyam by Registrar, Firms and Societies under the Registration No. Bilaspur Divn. 2969 through Secretary Sapan Kumar Bose, son of Satish Kumar Bose, 46 years, Occupation - Business, Resident of Hemu Nagar, Bilaspur, C'Garh.

2. Abdul Mobin Khan, son of Amin Khan, aged about 46 years, Occupation - Business, resident of Naya Para, Kiriti Nagar, Bilaspur, Chhattisgarh.

P. R. No. 1129/01
Presented by Shri Ramnarayan Shrivastava
dated 31.7.2001

VERSUS

RESPONDENTS

1. Union of India through the Secretary, Ministry of Railways, New Delhi.

2. General Manager, South Eastern Railway Head Quarters, Garden Reach, Calcutta, W.B.

3. Divisional Railway Manager, South Eastern Railways, Bilaspur Division Bilaspur, Chhattisgarh.

4. Divisional Railway Manager, (Engineering) South Eastern Railways, Bilaspur, Chhattisgarh.

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5. Collector
Bilaspur, Chhattisgarh.

6. Superintendent of Police
Bilaspur, Chhattisgarh.

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT/WRITS, ORDER/ORDERS OR DIRECTION/ DIRECTIONS.

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HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

Coram : Hon'ble Shri H.L. Dattu, CJ &
Hon'ble Shri V.K. Shrivastava, J

WRIT PETITION No. 1068 of 2001

PETITIONERS: Zila Alpa Punji Vyaosssai Sangh and another.

Versus

RESONDENTS: Union of India through the Secretary, Ministry of Railways, New Delhi & others

Present : Shri Amrito Das, Counsel for the petitioners.
Shri Vinay Harit, Sr. Advocate with Shri Suryakant Mishra, Counsel for respondents.

ORAL ORDER

(Passed on 14th February, 2007)

The following oral order of the Court was passed by H.L. Dattu, CJ.

Petitioner No.1 is a society registered under the provisions of Societies Registration Act. The members of the society are hawkers in the railway area.

2) In the instant writ petition, petitioners are seeking the following reliefs:

"7. Relief (s) sought:

i) To send for the records from the possession of the respondents concerning the case of the petitioners, for its kind perusal;

ii) To issue a writ in the nature of mandamus commanding the respondents to re-build the Gumties and temporary structures so demolished;

iii) To direct the respondents to compensate the petitioners for the loss suffered by them;

iv) To issue a writ in the nature of mandamus restraining the respondents from operating

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the members of the petitioners association to run their business through the Gumties and hand carts in the area presently occupied by them under agreement dated 29.4.2000;

v) To direct the respondents 5 and 6 to conduct inquiry and register the offences against the criminal act of the demolition and destruction;

vi) To grant any other relief deemed fit and proper in the circumstances of the case."

3) At the time of hearing of this writ petition, learned counsel appearing for the petitioners very fairly submitted that for the present he does not want to press the reliefs sought in this writ petition. However, he would submit that he has filed a representation/request before the respondents/authorities, *inter alia*, seeking certain reliefs and at least a direction may be issued to the railway authorities to consider that representation/request and to pass an appropriate order.

4) Secondly, learned counsel would submit that whatever arrangements that were made by the railway authorities on 31/05/2000 may be continued.

5) Learned counsel appearing for the railways would submit that this Court has already passed interim orders and those interim orders have been complied with by the railway authorities.

6) In view of the statement made by learned counsel for the petitioners, we need not to go into the issues raised in the writ petition. Suffice for us to observe and direct the respondents to consider the representation/request said to have been filed by the petitioners/society in accordance with law, within a reasonable time and suffice to observe that if it is permissible and possible, railway authorities may continue the arrangements that they have made by order dated 31/05/2000.

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7) In view of the above, the following :

Order

(1) This writ petition is disposed of without going into details of the case.

(2) Respondents/authorities shall consider the representation/ request said to have been filed by the petitioners in accordance with law as expeditiously as possible, preferably within six months from the date of receipt of a copy of this order. Respondents/authorities are also directed to issue an appropriate endorsement to the petitioners/society after considering the representation/request said to have been filed by the petitioners/society.

(3) Respondents/authorities are directed to continue with the arrangements that they have made by order dated 31/05/2000, if it is possible and permissible. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge

Raju